

WEST VIRGINIA SECURITIES COMMISSION

STATEMENT OF POLICY

Senior-Specific Certifications/Professional Designations

June 16, 2008

The Securities Commissioner of the State of West Virginia has determined that this Statement of Policy regarding senior-specific certifications or professional designations is consistent with public investor protection and is in the public interest. The Commissioner may waive any requirement of this Statement of Policy for good cause, as he may determine. The requirements for the use of senior-specific certifications or professional designations are as follows:

A. The use of a senior specific certification or designation by any person in connection with the offer, sale, or purchase of securities, or the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities, that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees, in such a way as to mislead any person shall be a dishonest and unethical practice in the securities, commodities, or investment business within the meaning of §32-4-401, et seq. and §32B-1-1, et. seq., of the West Virginia Code.

B. The prohibited use of senior-specific certifications or professional designations include, but is not limited to the use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation; the use of a nonexistent or self-conferred certification or professional designation; the use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and the use of a certification or professional designation that was obtained from a designating or certifying organization that is primarily engaged

in the business of instruction in sales and/or marketing, does not have reasonable standards or procedures for assuring the competency of its designees or certificants, does not have reasonable standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct, or does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

C. There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph B above when the organization has been accredited by the American National Standards Institute; or the National Commission for Certifying Agencies; or an organization that is on the United States Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes" and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

D. In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include the use of one or more words such as "senior," "retirement," "elder," or like words, combined with one or more words such as "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation and the manner in which those words are combined.

E. For purposes of this Statement of Policy, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title indicates seniority or standing within the organization; or specifies an individual's area of specialization within the organization. For purposes of this paragraph, financial services regulatory agency includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940.

Glen B. Gainer, III
State Auditor
Commissioner of Securities

By: Lisa A. Hopkins
General Counsel
Senior Deputy Commissioner of Securities

June 16, 2008